

**FRUITLAND TOWNSHIP BOARD
REGULAR MEETING
AUGUST 17, 2009
MINUTES**

PRESENT: Trustee Bard, Trustee Bole, Trustee Deur, Clerk Rillema, Treasurer Hepler, Supervisor St. Amour, Trustee Binns (arrived @ 7:30 PM)

ALSO PRESENT: Eleven (11) interested parties.

CALL TO ORDER: Supervisor St. Amour called the Monday, August 17, 2009, Regular Meeting of the Township of Fruitland Board to order at 7:00 PM and welcomed those present, led the Pledge of Allegiance and asked for a moment of silence for Police Chief/Fire Chief Don Hulbert.

AGENDA: Accept or amend the Monday, August 17, 2009 Agenda.

Motion by Trustee Bole, second by Trustee Bard, **ADOPTED**, to accept the August 17, 2009 Regular Township Board Meeting Agenda.
Upon Voice Vote: 6AYES, 1 ABSENT

PUBLIC COMMENT;

1. Meryl Hook, 5627 Murray Road – Stated that the building site at 5625 Murray Road has blighted their southern Lake Michigan view and says the Board of Trustees has an opportunity and duty to prevent a pergola to the lake side of this structure.
2. Irene Pierson, 6100 Murray Road – Hopes the Board of Trustees would give kind consideration to pass Resolution 2009-16 honoring the retirement of Nancy Cribbs, Postmistress of the Wabaningo Post Office, Sylvan Beach and thanks us in advance for doing so.

MINUTES:

Motion by Trustee Deur, second by Trustee Bole, **ADOPTED**, to accept the July 14, 2009 Work Session minutes, July 20, 2009 Regular Meeting minutes and July 30, 2009 Special Meeting minutes.
Upon Voice Vote: 7AYES

RECEIPTS & DISBURSEMENTS:

Motion by Clerk Rillema, second by Trustee Bard, **ADOPTED**, to approve General Fund 101 Disbursements in the amount of \$104,636.10 for the period of July 1, 2009 through July 31, 2009, as reported by Karolyn Rillema, Fruitland Township Clerk.
Upon Voice Vote: 7AYES

Clerk Rillema stated that she and Treasurer Hepler will be working together in the next few weeks to reconcile the bank statements and should have receipts reconciled for June, July and August at the September work session.

ANNOUNCEMENTS:

FRUITLAND TOWNSHIP AUGUST 17, 2009 REGULAR MEETING MINUTES

Supervisor St. Amour encouraged all in attendance to sign up for enews at enews@fruitlandtwp.org. He stated that the enews is currently being sent to over 400 email addresses. The White Lake Ambulance Authority will have its monthly blood pressure check free to the community on Friday, August 20 from 10:00 AM – Noon at the township hall.

**Fruitland Township
Resolution 2009-16
Nancy Cribbs Day**

WHEREAS, Fruitland Township congratulates Nancy Cribbs, Postmistress of the Wabaningo Post Office, Sylvan Beach on her retirement on September 15, 2009; and

WHEREAS, Fruitland Township recognizes the importance that the Post Office not only serves residents of Sylvan Beach but also tourists and residents of Fruitland Township from June 15th through September 15th each year; and

WHEREAS, Fruitland Township recognizes that Nancy Cribbs has faithfully managed the mail and packages and has greeted all who require her services with a welcoming smile for the past nine years as Postmistress of the Wabaningo Post Office; and

WHEREAS, Fruitland Township recognizes that Friday, August 14th, 2009 will be known as “Nancy Cribbs Day”;

NOW THEREFORE BE IT RESOLVED, that the Fruitland Township Board of Trustees as representatives of its residents and in behalf of the citizens throughout the White Lake Area take this occasion to honor Nancy Cribbs on her retirement as Postmistress of the Wabaningo Post Office in Sylvan Beach.

BE IT RESOLVED THAT, Resolution 2009-16, Nancy Cribbs Day was adopted by the Board of Fruitland Township, at a Regular meeting held Monday, August 17, 2009 at 7:00 PM.

Karolyn Rillema, Clerk
Township of Fruitland

Trustee Deur stated that he had attended a meeting in Grand Rapids regarding changes to Revenue Sharing. Suggestions of restructuring were discussed. He will keep the board abreast of any changes that occur from the State of Michigan.

SPECIAL GUEST – Eric Van Dop of Brickley DeLong presented the Board of Trustees with the 2008-09 Year End Report.

Motion by Trustee Deur, second by Trustee Binns, **ADOPTED**, to receive the 2008-2009 Audit and place on file.

Upon Voice Vote: 7AYES

COMMITTEE/BOARD UPDATES –

- White Lake Ambulance Authority – Trustee Bard reported that the authority received 171 calls last month. The Authority is offering its second free blood pressure check at different municipalities in the White Lake Area but is receiving a low response. They will re-evaluate after the third visit to each the frequency going forward.

FRUITLAND TOWNSHIP AUGUST 17, 2009 REGULAR MEETING MINUTES

- White Lake Fire Authority – Supervisor St. Amour announced that Fire Chief Don Hulbert was hospitalized over the weekend and a special meeting of the White Lake Fire Authority will take place this Thursday, August 19, 2009 to assign temporary duties of employees.
- Parks and Recreation Commission – Trustee Binns had no report at this time.
- Planning Commission – Trustee Deur reported that a special hearing has been scheduled for a private street and the Board of Trustees should be contacted by a member of the Planning Commission to schedule a time to start discussing the Master Plan.
- Muskegon County Regional Water System Board – Supervisor St. Amour is attending these meetings and reported that we currently have two water customers at this time.
- Citizen’s Advisory Community Building Committee – Supervisor St Amour reported that this will be discussed later on the agenda.
- Citizen’s Advisory McMillan Road End Committee – Supervisor St. Amour reported that this will also be discussed later on the agenda.
- Citizen’s Advisory Wireless Committee – Trustee Deur reported that they will be meeting again in September to discuss changes at the State level. There is lots of stimulus money available but in certain locations it is not clear whether service providers will bid to operate the network.
- Citizen’s Advisory Regulatory Ordinance Committee – Trustee Bole reported that the committee met and is looking over the Cemetery Ordinance currently.
- Citizen’s Advisory Noise Committee – Supervisor St. Amour reported that a tentative meeting is scheduled for this coming weekend.
- Zoning Board of Appeals – Trustee Bole had no report at this time.
- Muskegon Area First – Supervisor St. Amour reported that he attends this meeting and the group is continuing to attract business to Muskegon County.

OLD BUSINESS –

1. Policies & Procedures – Sections 4.0 – 4.12 and Sections 5.6 – 6.7, Appendix A – Clerk Rillema reported that both sections have been sent to Attorney Eklund for review.
2. 1562 Duck Lake Road – Supervisor St. Amour reported that the external inspections has been completed but an internal inspection remains to be done. He is contacting the owner to schedule that inspection.
3. 5623 Murray Road – Supervisor St. Amour reported that the court case is scheduled for Wednesday, August 19. Supervisor St. Amour gave a brief synopsis of the case from the beginning to current and reported that the Board of Trustees cannot appeal a ZBA decision if it is not the party aggrieved by ZBA.
4. Fruitland Township Representation (Joint Planning Commission/West Michigan Shoreline Regional Development Commission) – Trustee Deur reported that he received comments and changes from Attorney Eklund. Both he and Supervisor St. Amour will

FRUITLAND TOWNSHIP AUGUST 17, 2009 REGULAR MEETING MINUTES

review those changes before making recommendations to the other municipalities involved in the JPC.

5. Road Improvements – Supervisor St. Amour reported that he has more information to share at the September work session.
6. 2745 Lorenson Road – Supervisor St. Amour reported that the court case has been moved to September.
7. McMillan Road End –

Motion by Trustee Bard, second by Clerk Rillema, **ADOPTED**, to disband the McMillan Road End Committee and replace it with Citizen’s Advisory McMillan Road End Committee with the mission to raise funds and authorize Supervisor St. Amour to facilitate the appointing of committee members from the existing sub-committee or new members.

*Upon Voice Vote: **7AYES***

Supervisor St. Amour will send a letter to all committee members thanking them for their service and inform them of the advisory committee tasks.

8. Plastic Shredder - Treasurer Hepler reported that no interest has been received to date on the sale of this shredder. She will provide Don Underwood, Ecology Station Attendant with sale information to post for sale at the Ecology Station.
9. Township Liability – No report at this time.
10. 3350 Bard Road – Supervisor St. Amour reported that continued cleanup is occurring and he will monitor and report at the September work session progress.
11. Community Building – Clerk Rillema reported that a phone call received from the State of Michigan acknowledged that the reimbursement for the 2008 Polling Place Grant has been issued and the 2009 Polling Grant Application for a barrier free ramp has been accepted and will be awarded in the amount of approximately \$8600.00.

Motion by Trustee Deur, second by Trustee Bole, **ADOPTED**, to approve bid from DeRose Builders, Inc, in the amount of \$10,400.00 for the barrier free entryway at the Community Building. Costs will be offset with a State of Michigan Polling Place Grant in the amount of \$8,600.00 and remaining \$1,800.00 from the general fund

ROLL CALL VOTE: Trustee Bard **AYE**, Trustee Deur **AYE**, Trustee Binns **AYE**, Clerk Rillema **AYE**, Treasurer Hepler **AYE**, Trustee Bole **AYE**, Supervisor St. Amour **AYE**

Motion by Trustee Bole, second by Trustee Bard, **ADOPTED**, to disband the Citizens Advisory Community Building Committee effective today as they have completed the tasks assigned.

*Upon Voice Vote: **7AYES***

12. White Lake Fire Authority – Dry Hydrants/Cistern – Supervisor St. Amour reported that the grants for the dry hydrants have been applied for and field work for the cistern is

FRUITLAND TOWNSHIP AUGUST 17, 2009 REGULAR MEETING MINUTES

currently being discussed with Supervisor St. Amour, White Lake Fire Authority Fire Chief Hulbert, Muskegon Charter Township Fire Dept along with Laketon Township.

13. Liability Insurance – Trustee Deur and Supervisor St. Amour are awaiting quotes.

14. White Lake Fire Authority - (Drain Field) –

Motion by Trustee Bole, second by Trustee Deur, **ADOPTED**, to accept the bid for the White Lake Fire Authority Fire Barn for a new drain field from Ultimate Excavating – Option 2 – in the amount of \$800.00.

ROLL CALL VOTE: Trustee Bard **AYE**, Trustee Deur **AYE**, Trustee Binns **AYE**, Clerk Rillema **AYE**, Treasurer Hepler **AYE**, Trustee Bole **AYE**, Supervisor St. Amour **AYE**

15. Copier Maintenance – Treasurer Hepler reported that she checked with Office Machines and they do not service the brand of copier we currently own. This company was mentioned by a resident at a prior meeting.

16. Fruitland Township Hall – Air Conditioning Repair -

Motion by Trustee Bard, second by Trustee Deur, **ADOPTED**, to authorize the Supervisor to accept the bid of G & W Refrigeration New Payne 13 Seer Air Conditioning Condenser Unit with New Generation 410A Refrigerant in the amount of \$1,821.00.

ROLL CALL VOTE: Trustee Bard **AYE**, Trustee Deur **AYE**, Trustee Binns **AYE**, Clerk Rillema **AYE**, Treasurer Hepler **AYE**, Trustee Bole **NAY**, Supervisor St. Amour **NAY**

17. Parks & Recreation – Trustee Binns reported that she will bring all changes and present them at the September work session. The members of the Board of Trustees instructed Supervisor St Amour to send a letter to the Parks & Recreation Commission requesting that all legal counsel advice in the future should be scheduled through Supervisor St Amour as there is no budgeted amount for the Parks and Rec Commission for fiscal year 2009-10. A joint meeting of the Board of Trustees and Parks and Recreation Commission will be scheduled in the near future to discuss a list of items.

18. Ordinance Enforcer – Supervisor St. Amour, Clerk Rillema and Treasurer Hepler will meet to review the applications received for this position.

19. Muskegon County Drain Commission – Board of Determination – Supervisor St. Amour had no report at this time.

NEW BUSINESS –

1. RAP Amendment for Muskegon Chemical Superfund Site – Trustee Deur reported that Fruitland Township does have property in this superfund site. Christine Deur agreed to attend the meeting scheduled for August 17, 2009 and will report to Trustee Deur her findings.

2. Citizen's Advisory Rental Committee –

FRUITLAND TOWNSHIP AUGUST 17, 2009 REGULAR MEETING MINUTES

Motion by Supervisor St. Amour, second by Trustee Bard, **ADOPTED**, to authorize Supervisor St. Amour to create a Citizens Advisory Residential Rental Committee. This committee will advise the Board of Trustees on rental issues in the township and make recommendations.

Upon Voice Vote: 7AYES

3. Master Plan Approval of Board of Trustees –Trustee Deur recommended to the Board of Trustees that no changes in the current process of adopting the master plan should be made at this time.
4. 4653 Lorenson Road – Supervisor St. Amour reported that this property is acting under the Right to Farm Act. The property owner did complete the zoning permit application but is still in violation of our animal ordinance with free range chickens. Supervisor St. Amour will follow up on this item.
5. 5601 South Shore Drive –

**Fruitland Township
Resolution 2009-17**

FRUITLAND TOWNSHIP ATTORNEY CONFLICT OF INTEREST IN COURT CASE

RESOLVED, that due to a conflict of interest that exists, and as required by the District Court, the Board authorizes the Supervisor to engage the services of an attorney to be determined at his discretion, and as needed, to act as a Special Prosecutor for the sole purpose of handling an ordinance violation case in the 60th District Court, Case No. 09-114171-OM.

ROLL CALL VOTE: Clerk Rillema **AYE**, Treasurer Hepler **AYE**, Trustee Binns **AYE**, Trustee Deur **AYE**, Trustee Bard **AYE**, Trustee Bole **AYE**, Supervisor St. Amour **AYE**

BE IT RESOLVED THAT, Resolution 2009-17, Fruitland Township Attorney Conflict of Interest in Court Case was adopted by the Board of Fruitland Township, at a Regular meeting held Monday, August 17, 2009 at 7:00 PM.

Karolyn Rillema, Clerk
Township of Fruitland

Trustee Bole excused himself from the meeting at 8:30 PM.

6. Ecology Station –

Motion by Trustee Bard, second by Trustee Binns, **ADOPTED**, to authorize the addition of a \$20.00 punch card to be sold at the Ecology Station and township hall for the Ecology Station.

Upon Voice Vote: 6AYES, 1ABSENT

7. B S & A Training –

Motion by Treasurer Hepler, second by Trustee Bard, **ADOPTED**, to authorize the B S & A Training for Tax I and Tax II courses for both Treasurer Melissa Hepler and Deputy Treasurer Ericka DeCair in Bath MI

FRUITLAND TOWNSHIP AUGUST 17, 2009 REGULAR MEETING MINUTES

on August 24 & 25 2009. Courses, lodging, transportation and meal allowance not to exceed \$1,200.00.

ROLL CALL VOTE: Treasurer Hepler **AYE**, Clerk Rillema **AYE**, Trustee Bard **AYE**, Trustee Deur **AYE**, Trustee Binns, **AYE**, Supervisor St. Amour **AYE**, Trustee Bole **ABSENT**

8. Building Official Travel/Meal Reimbursement –

Motion by Clerk Rillema, second by Trustee Deur, **ADOPTED**, to authorize the reimbursement to Troy DeBrot, Building Official, for mileage and travel expenses in the amount of \$138.26 incurred to travel to the State Office of Administrative Hearings & Rules in Lansing, Michigan on Thursday, July 30, 2009, to appear in a court case of Knopf v David Allan Taghon.

ROLL CALL VOTE: Trustee Bard **NAY**, Trustee Deur **AYE**, Trustee Binns **NAY**, Supervisor St. Amour **AYE**, Clerk Rillema **AYE**, Treasurer Hepler **AYE**, Trustee Bole **ABSENT**

9. Fruitland Township Server –

Motion by Clerk Rillema, second by Trustee Deur, **ADOPTED**, as recommended by I T Right, I move to authorize payment of \$1,606.55 for a I182TR computer server.

ROLL CALL VOTE: Treasurer Hepler **AYE**, Clerk Rillema **AYE**, Trustee Binns **AYE**, Trustee Deur **AYE**, Trustee Bard **AYE**, Supervisor St. Amour **AYE**, Trustee Bole **ABSENT**

10. Muskegon County – GIS Invoice –

Motion by Clerk Rillema, second by Trustee Binns, **ADOPTED**, to authorize payment to Muskegon County for the GIS Basis Level of Service Program in the amount of \$3,788.89. I also move to increase #101-209-801-006 from \$3,700.00 to \$3,788.89.

ROLL CALL VOTE: Treasurer Hepler **AYE**, Clerk Rillema **AYE**, Trustee Binns **AYE**, Trustee Deur **AYE**, Trustee Bard **AYE**, Supervisor St. Amour **AYE**, Trustee Bole **ABSENT**

11. Board Comments – Supervisor St. Amour reported that we currently are not following our Policies and Procedures regarding Public Comment. Discussion amongst the Board of Trustees was to follow the policies and procedures, so at the next regular meeting there will be only one Public Comment offered. Members of the public shall have an opportunity to address the Board for no more than five (5) minutes, or Supervisor's discretion on any item that is not on the agenda.

PUBLIC COMMENT:

1. Meryl Hook, 5627 Murray Road – Presented the Board of Trustees with a copy of what she spoke about during the first public comment this evening
2. Betsy Grein, 5780 Oak Tree Lane – Questioned if the joint meeting of the Board of Trustees and Parks & Recreation Commission would be subject to having an ad placed in

FRUITLAND TOWNSHIP AUGUST 17, 2009 REGULAR MEETING MINUTES

- the local paper. Encouraged us to advertise when we could to support the local paper. Also stated that we should be cautious about paying expenses for an outside contractor.
3. Dave VanBlargen, 3442 N. Weber Road – Would like the Board to reconsider lowering the cost of a 30 gallon trash bag at the Ecology Station. Appears some inaccuracy of fullness of bags needs to be addressed and priced case by case.
 4. Ken Trojan, 5688 Simonelli Road – Stated to the Board that he has difficulty hearing and asked for clarification on some agenda items from this evening.
 5. Meryl Hook, 5627 Murray Road – Questioned if the public comment did not all audience to present information on agenda items, how they would be addressed. Supervisor St. Amour that the Board did have the ability to suspend and allow open floor discussion if it deemed necessary.
 6. Bob Mount, 4262 Orshal Road – Asked the Board to review other steps for free dump day as it was a successful disaster.
 7. Jane Gardner, 5625 Murray Road – Stated that there were two sides to each story and would encourage the Board of Trustees to listen and make appropriate decisions to enforce the townships ordinances. Presented the Board with a newsletter from the Michigan State University Extension regarding Land Use Lines from March 2009.
 8. Kyle Esch, 5627 ½ Murray Road – Disappointed in the Boards decision and behavior regarding the 5625 Murray Road building project.

ADJOURNMENT:

Motion by Trustee Bard, second by Trustee Binns, ***ADOPTED***, to adjourn the Monday, August 17, 2009 Regular Meeting of the Township of Fruitland at 9:10 PM.

Upon Voice Vote: **6AYES, 1ABSENT**

Respectfully submitted,

Karolyn Rillema, Clerk
Township of Fruitland